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Claimant The Michael J. Miske, Jr. Revocable Living Trust

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

No. 1:25-cv-00028 DKW-KJM

Plaintiff,

v.

**STIPULATION AND ORDER
TO CONTINUE RULE 16
CONFERENCE**

REAL PROPERTY LOCATED AT 6
LUMAHAI STREET IN PORTLOCK,
HAWAII, TOGETHER WITH ALL
APPURTENANCES AND
IMPROVEMENTS; ET AL

Defendant *in rem*.

_____ /

THE MICHAEL J. MISKE, JR.
REVOCABLE LIVING TRUST,

U.S. BANK TRUST NATIONAL
ASSOCIATION,

HAWAII CENTRAL FEDERAL CREDIT
UNION,

BANK OF HAWAII,

Claimants.

_____ /

Plaintiff United States of America, with Claimant The Michael J. Miske, Jr. Revocable Living Trust (the “Miske Trust”), Claimant Bank of Hawaii (“BOH”), Claimant U.S. Bank Trust National Association (“USBTNA”), and Claimant Hawaii Central Federal Credit Union (“HCFCU”), hereby stipulate to a five-month continuance of the Rule 16 scheduling conference, currently scheduled for June 26, 2025 at 9:00 AM, and in support submit as follows:

1. On January 22, 2025, Plaintiff filed a complaint for forfeiture *in rem* against 27 defendant properties associated with the late Michael J. Miske, Jr. and/or entities related to him. (ECF No. 1.) The factual basis for said forfeiture action includes conduct spanning over a decade, and involves many individuals and entities. Litigation of such claims will involve extensive discovery.

2. On January 23, 2025, the Court entered an order setting a telephonic Rule 16 scheduling conference for 9:30 a.m. on March 24, 2025 before Magistrate Judge Kenneth J. Mansfield. (ECF No. 8.)

3. On February 21, 2025, the Court granted the United States’ request for a continuance of the Rule 16 conference to allow time for service of the complaint (and associated required documents), as well as for responsive claims opposing forfeiture, per applicable rules of procedure. The Court continued the Rule 16 conference until June 26, 2025 at 9:00 a.m. (ECF No. 9.)

4. Subsequently, the Miske Trust entered the case by filing a claim opposing forfeiture as to all twenty-seven of the defendant properties. (ECF No. 24.) USBNTA, BOH, and HCFCU filed claims opposing forfeiture of the defendant real properties against which they had recorded mortgages. (ECF Nos. 17, 18, 25.)

5. On May 7, 2025, the United States filed an Amended Complaint for Forfeiture. (ECF No. 36.)

6. Counsel for Plaintiff and for the Miske Trust have been in frequent contact about various issues in the case, and said parties wish to, and are in the process of, pursuing a stipulated resolution of this action that avoids formal discovery, contested motions, and court intervention. However, in order to proceed further in that process, the parties require additional time.

7. Specifically, counsel for the Miske Trust needs adequate time to more fully acquire and digest the underlying facts of a case of this breadth, as to all of the individual defendant properties, before being in a position to meaningfully and productively pursue settlement in earnest.

8. Further, the Miske Trust and the United States believe that meaningful settlement negotiations will require a better understanding of the value of the non-currency individual defendant properties. As part of that process, the Miske Trust asserts that it is still in the process of finalizing and recording certain

documentation, which will allow it to gain access to information necessary to valuation. After this is accomplished, counsel for the Miske Trust and for United States intend to coordinate their respective schedules and conduct an informal, in-person settlement conference.

9. Relatedly, the parties believe that it is in the interests of all concerned to explore interlocutory sale and substitution of res as to multiple of the non-currency defendant properties, in an effort to preserve their respective values. *See, e.g.,* Rule G(7)(b)(i) (on motion, court may order interlocutory sale and substitution of res if property “is perishable or at risk of deterioration, decay, or injury by being detained in custody pending the action; [or] (B) the expense of keeping the property is excessive or is disproportionate to its fair market value; [or] (C) the property is subject to a mortgage or to taxes on which the owner is in default ...”). The parties intend to seek such relief from the court.

10. The United States is also in discussion with BOH, USBTNA, and HCFCU regarding potential settlements of their respective claims as to the defendant real properties.

11. The Parties submit that they will work diligently to resolve these claims, and that being allowed to do so before a Rule 16 order issues and formal discovery begins will serve judicial economy and conservation of resources of all concerned, and thereby constitutes good cause for the requested continuance.

12. THEREFORE, counsel for the above parties stipulate to and request that the Court enter an order continuing the telephonic Rule 16 scheduling conference from 9:00 a.m. on June 26, 2025 until a time convenient for the court on or after November 26, 2025.

Respectfully submitted,

Dated: June 6, 2025

/s/Edward M. Burch
EDWARD M. BURCH
Law Offices of Michael and Burch

Attorney for Claimant The Michael J. Miske,
Jr. Revocable Living Trust

Dated: June 6, 2025

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/s/Sydney Spector
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Attorneys for Plaintiff
UNITED STATES OF AMERICA

Dated: June 8, 2025

/s/ Robin Miller

ROBIN MILLER
TMLF Hawaii
Attorney for Claimant U.S. BANK
TRUST NATIONAL ASSOCIATION

Dated: June 9, 2025

/s/ Jonathan Lai

JONATHAN LAI
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CENTRAL FEDERAL CREDIT
UNION

Dated: June 6, 2025

/s/ Keith Y. Yamada

KEITH Y. YAMADA
Attorney for Claimant BANK OF
HAWAII

APPROVED AND SO ORDERED.

Dated: Honolulu, Hawaii, June 9, 2025.



A handwritten signature in blue ink, appearing to read "K. Mansfield".

Kenneth J. Mansfield
United States Magistrate Judge

United States v. 6 Lumahai Street, etc., Civ. No. 25-00028 DKW-KJM;
STIPULATION TO CONTINUE RULE 16 CONFERENCE; ORDER